

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DORIS WILLIAMS,

Plaintiff,

v.

**FAIR COLLECTIONS &
OUTSOURCING, INC.; and DOES 1
through 10, inclusive,**

Defendants.

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Cause No. 1:13-cv-00280-LY

**DEFENDANT, FAIR COLLECTIONS & OUTSOURCING, INC.'S,
ANSWER AND AFFIRMATIVE DEFENSES**

Defendant, Fair Collections & Outsourcing, Inc. (FCO), through counsel and under the Federal Rules of Civil Procedure, submits this Answer and Affirmative Defenses to the Complaint filed by Plaintiff, Doris Williams (Plaintiff), and states:

I. INTRODUCTION

1. FCO admits Plaintiff purports to bring this action for alleged violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et. seq.*, but FCO denies any damages, liability or wrongdoing under the law. Except as specifically admitted, FCO denies the allegations in ¶ 1.

II. JURISDICTION

2. Upon information and belief, FCO admits jurisdiction and venue are proper. Except as specifically admitted, FCO denies the allegations in ¶ 2.

III. PARTIES

3. Upon information and belief, FCO admits the allegations in ¶ 3.

4. FCO admits part of its business is the collection of debts and it is a corporation with an office located at 12304 Baltimore Avenue, Suite E, Beltsville, Maryland. Except as specifically admitted, FCO denies the allegations in ¶ 4 as calling for a legal conclusion.

5. FCO admits part of its business is the collection of debts and it uses mail and telephone to do so. Except as specifically admitted, FCO denies the allegations in ¶ 5 as calling for a legal conclusion.

IV. FACTUAL ALLEGATIONS

6. FCO denies the allegations in ¶ 6 for lack of knowledge or information sufficient to form a belief therein.

7. FCO denies the allegations in ¶ 7.

8. FCO denies the allegations in ¶ 8.

9. FCO denies the allegations in ¶ 9.

10. FCO denies the allegations in ¶ 10.

11. FCO denies the allegations in ¶ 11.

12. FCO denies the allegations in ¶ 12.

V. FIRST CLAIM FOR RELIEF

13. FCO reasserts the foregoing as if fully set forth herein.

14. FCO denies the allegations in ¶ 14, including subparts (a) – (e).

15. FCO denies the allegations in ¶ 15.

16. FCO denies the allegations in ¶ 16.

VI. SECOND CLAIM FOR RELIEF

17. FCO reasserts the foregoing as if fully set forth herein.

18. FCO reasserts the foregoing as if fully set forth herein.

19. FCO denies the allegations in ¶ 19, including subpart (a).

20. FCO denies the allegations in ¶ 20.

21. FCO denies the allegations in ¶ 21.

AFFIRMATIVE DEFENSES

1. To the extent any violations are established, any such violations were not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

2. FCO denies any liability; however, regardless of liability, Plaintiff has suffered no actual damages as a result of FCO's purported violations.

3. One or more claims asserted by Plaintiff are barred by the statute of limitations, laches, estoppel, waiver and/or unclean hands.

4. Any harm suffered by Plaintiff was legally and proximately caused by persons or entities other than FCO that were beyond the control or supervision of FCO or for whom FCO was and is not responsible or liable.

5. Assuming Plaintiff suffered any damages, she has failed to mitigate her damages or take other reasonable steps to avoid or reduce her damages.

6. Plaintiff has failed to state a claim against FCO upon which relief may be granted.

WHEREFORE, Defendant, Fair Collections & Outsourcing, Inc., requests the Court dismiss this action with prejudice and grant it any other relief that the Court deems appropriate.

Respectfully submitted,

/s/ Whitney L. White

Whitney L. White

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Attorney for Defendant,

Fair Collections & Outsourcing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June, 2013, a copy of the foregoing **Defendant, Fair Collections & Outsourcing, Inc.'s, Answer and Affirmative Defenses** was electronically filed with the Clerk of the Court, United States District Court for the Western District of Texas, Austin Division and served upon the following via CM/ECF:

Kimberly A. Lucas, Esq.
Kyle Mathis & Lucas, LLP
8226 Douglas Ave., Suite 450
Dallas, Texas 75225

/s/ Whitney L. White
Whitney L. White